

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR individually and on behalf of
those similarly situated, and FERNANDO
AGUIRRE-URBINA, individually,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

CASE NO. C17-05769RJB

ORDER DENYING THE GEO
GROUP, INC.'S MOTION FOR
REMITTITUR

THIS MATTER comes before the Court on Defendant The GEO Group, Inc.'s ("GEO") Motion for Remittitur. Dkt. 530. The Court has considered the pleadings filed regarding the motion, evidence heard during the trial, and the remaining record. No party has requested oral argument pursuant to Local Rule W.D. Wash. 7(b)(4).

On October 29, 2021, the jury awarded Plaintiffs in this class action damages under the Washington Minimum Wage Act ("MWA"). Dkt. 519. The verdict form was a single sentence: "[w]e, the jury, find the class Plaintiffs damages to be: \$17,297,063.05." *Id.* On November 2, 2021, the Court entered judgment in favor of the class Plaintiffs and against GEO in the amount determined by the jury. Dkt. 522.

1 GEO now moves for a new trial on damages or a reduction of the award to no more than
2 \$13,646,928.32, the maximum amount that GEO argues is supported by the evidence. Dkt. 530.
3 The Plaintiffs oppose the motion (Dkt. 548) and GEO filed a reply (Dkt. 549). For the reasons
4 provided below, GEO's motion (Dkt. 530) should be denied.

5 DISCUSSION

6 "Generally, a jury's award of damages is entitled to great deference, and should be
7 upheld unless it is clearly not supported by the evidence or only based on speculation or
8 guesswork." *In re First All. Mortgage Co.*, 471 F.3d 977, 1001 (9th Cir. 2006). A jury's award
9 of damages will also not be upheld if it is "grossly excessive or monstrous." *Los Angeles Mem'l*
10 *Coliseum Comm'n v. Nat'l Football League*, 791 F.2d 1356, 1360 (9th Cir. 1986).

11 GEO's motion for a new trial on damages or a reduction of the award to \$13,646,928.32
12 (Dkt. 530) should be denied. The evidence presented at trial, if believed, supports the jury's
13 award of damages even though it is higher than Plaintiffs' class counsel requested in argument.
14 The evidence at trial and the Jury Instructions (Dkt. 520), permitted the jury to precisely compute
15 the amount of Plaintiffs' damages – such computations were not "only based on speculation or
16 guesswork." *In re First All. Mortgage Co.*, at 1001. The evidence at trial showed that GEO
17 recorded the days each detainee worked. The jury was instructed on the minimum wage in
18 Washington for the relevant years. Dkt. 520, at 5. There was disputed evidence regarding the
19 length of the shifts worked, but the necessary evidence to determine a decision on that issue was
20 covered. The jury was free to, and apparently did, find much of GEO's evidence not credible.
21 The jury award was not "grossly excessive or monstrous" considering all the evidence in the
22 record. *Los Angeles Mem'l*, at 1360. The jury's verdict is supported by the credible evidence in
23 the record. GEO's motion (Dkt. 530) should be denied.

ORDER

IT IS SO ORDERED.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 8th day of December, 2021.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge